



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

2484 PARK PLUS DRIVE
COLUMBIA, TENNESSEE 38401
PHONE (931) 380-3371 STATEWIDE 1-888-891-8332 FAX (931) 380-3397

Certified Mail 91 7108 2133 3936 2521 6295
Return Receipt Requested

September 10, 2009

Mr. John M. Brown
TRICOR at Turney Center, Only, TN
230 Great Circle Road, Suite 310
Nashville, Tennessee 37243-0467

COPY

RE: 41-0011
 454137P

NOTICE OF VIOLATION

Dear Mr. Brown:

On June 23, 2009, a representative of this Division performed an annual inspection at this site. Conditional Major permit #454137P was issued to TRICOR on October 18, 2004 and is set to expire on June 4, 2014. This permit was designed to limit air emissions from the woodworking and surface coating operations to be below the threshold of a Major Source. TRICOR "opted out" of being a major source by agreeing to be subject to these restrictions in an agreement letter dated February 2, 2000. Tennessee Division of Air Pollution Control Regulations (TDAPCR) requires that a permit owner be in compliance with all of the conditions in their Air permit. Failure to do so may result in State of Tennessee and/or Federal enforcement. Conditions #5, #6, #15 require logs that record emissions in tabular form on a monthly and 12 consecutive month basis. New entries are added and 12 month old entries are discarded. A "yearly total" that starts with a single month each January is not compliant with the conditions. This is a violation of Division Rule 1200-3-9-.02(6), which states in part, "Operation of each air contaminant source shall be in accordance with the provisions and stipulations set forth in the operating permit." You should, therefore, consider this letter a Notice of Violation for failure to comply with condition #5, #6 and #15 of Operating permit #454137P

A copy of this **NOTICE OF VIOLATION** and other pertinent information is being forwarded to the Enforcement Section of this Division for their review. It is in their purview as to what further enforcement actions and/or penalties will be taken in this case. The Division's Enforcement Section will notify you of any further enforcement action.

You are being presented with an opportunity to show cause why additional enforcement action should not be taken. The noncompliance described in this Notice of Violation will be evaluated to determine if additional enforcement action is necessary. If you have any information that proves the allegation of noncompliance is unwarranted, or if you have information that documents mitigating circumstances relative to the noncompliance, you may submit that information in writing to the Technical Secretary, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531. Your written response must be submitted within 20 days of the receipt of this Notice of Violation.

The Division will acknowledge your additional information prior to finalizing any enforcement action. If the Division determines that a civil penalty, damages assessment or corrective action schedule is needed, a Technical Secretary's Order will be issued. Technical inquiries surrounding this allegation of noncompliance should be directed to Joe Kington at (931) 840-4155 and questions concerning the enforcement process should be directed to Tammy Medlen at (615) 532-0531.

Sincerely,



Dorsey N. Horne
Environmental Field Office Manager
Division of Air Pollution Control - Columbia EFO

cc: Tammy Medlen – Chief of Enforcement Section, TDAPC

Enclosures